

bonds when purchased, and charge the same to the proper fund.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 4, 1864.

CHAPTER XVI.

An Act for the support, relief and management of the Poor.

- SECTION 1. Who to be considered a county charge.
2. What to constitute a legal residence.
3. County commissioners to be Superintendents of the poor.
4. Duty of Board of County Commissioners.
5. Overseers of poor—by whom appointed.
6. Overseer to give bond for faithful performance of his duty—in what sum.
7. Duty of overseer.
8. Board of County Commissioners to appoint physician.
9. Applicants to be provided with written order from Board of Commissioners.
10. Duty of County Commissioner when application is made on behalf of person in need.
11. Conveyance to place provided for reception of poor—how provided.
12. Disposition of non-residents of county.
13. Duty of County Commissioners in case non-resident unable to remove.
14. In case applicant rejected by county commissioner, application to be brought before Board of Commissioners.
15. Duty of Board of Commissioners in case of minors.
16. Burial of indigent persons, expenses to be borne by the county.
17. Penalty for sending, carrying or removing indigent persons from one county into another—to be deemed a misdemeanor.
18. Expenses of supporting and relieving the poor, how paid.
19. Repeal of former acts.
20. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. The support, maintenance and relief of all poor persons, in the several counties of this State, supported or relieved at public expense, after the passage of this act, shall be a county charge, and the expense of supporting and relieving any such poor

Who to be considered a county charge

person shall be borne by the county in which such poor person at the time of applying for support or relief shall have a legal residence and settlement, and be paid out of the treasury thereof in the manner hereinafter provided.

SEC. 2. Any person or persons, other than those hereinafter provided for, who shall have resided in any county in this State one year continuously, shall for the purposes of this act be deemed to have gained a legal residence and settlement in such county. Every indentured servant or apprentice legally brought into this State, shall obtain a legal settlement in the county in which such servant or apprentice shall serve his or her master or mistress one year; and every married woman, during coverture, or after her husband's death, shall be considered legally settled in the county where her husband was last legally settled; but if he shall have had no legal settlement, then she shall be considered as settled in the place where she was last legally settled before marriage; and every minor who shall not have been emancipated from his or her parents and gained a legal settlement in his or her own right, shall be considered as settled in the place where his or her parents or surviving parent shall be or have been last legally settled.

What to constitute
a legal residence

SEC. 3. The county commissioners of the several counties in this State shall, by virtue of their office, be superintendents of the poor of their respective counties; and it shall be the duty of the board of county commissioners of each county to take charge of the poor, supported at public expense therein, and to have the management of any poor house, farm, workhouse, or other place provided for the accommodation, support or employment of the poor therein.

County commis-
sioners to be su-
perintendents of
the poor

SEC. 4. It shall be the duty of the board of county commissioners of each county in this State, immediately after the passage of this act, to provide and at all times thereafter keep provided, by purchase, lease or otherwise, a suitable place or places for the reception, proper accommodation, maintenance and support of all poor persons, for whose maintenance and support such county shall or may from time to time become chargeable, according to the provisions of this act; and for

Duty of board of
county commis-
sioners

Duty of board of
county commis-
sioners

that purpose it shall be lawful for the board of county commissioners of any county at any regular meeting thereof, by resolution, to provide for the purchase or lease of any such farm, lot or tract of land and buildings within such county, as said board may deem necessary and proper for the accommodation and support of the poor of such county, upon such terms as to time and manner of payment or otherwise as said board may deem most advantageous to the county, and in accordance with such resolution to negotiate for and purchase any such farm, lot, or tract of land and buildings, and to contract for, and procure the erection of any such buildings thereupon; and the board of county commissioners of each county may in its discretion establish and maintain therein a poor farm or work house or both, for the employment of such poor persons supported by such county, as may be able to perform manual labor, and the expense and cost of providing any such farm, lot or tract of land and buildings for such poor farm or work house, and for the reception and accommodation of the poor, shall be defrayed by a special tax upon the subjects of taxation in such county, to be assessed, levied, collected and paid over, in the same manner as other county taxes are assessed, levied, collected and paid. *Provided*, That if in the opinion of the county commissioners, the number of poor persons in the county is not sufficiently large to warrant the purchase or rental of a farm or place for the maintenance of the poor of the county, they may provide for their support in any other way which they may deem judicious and suitable.

Overseers of poor
—by whom ap-
pointed

SEC. 5. Whenever a place shall be provided in any county for the reception and accommodation of the poor, according to section four of this act, and once in each year thereafter and as often as a vacancy shall occur in such office, the board of county commissioners of such county, shall appoint a suitable person, resident of said county, overseer of the poor of said county, to perform the duties and exercise the authority specified in section seven of this act; the term of appointment of such overseer shall be one year, and until his successor in office shall be duly appointed and qualified, unless sooner removed by the board of county

commissioners of the county ; and he shall be liable to be removed by said board at any time ; and his salary or compensation for time and services shall be fixed by said board annually.

SEC. 6. Every person appointed overseer of the poor in any county, shall, before he enters upon the duties of such office, enter into and file with the treasurer of said county, a bond, with two or more good and sufficient sureties, to be approved by said board of county commissioners, in such sum as the said board shall direct, payable to the county treasurer of said county, conditioned for the due and faithful performance of the duties of said office during his continuance therein ; and said board may require an additional bond whenever the former bond may be deemed insecure ; upon default in the condition of any such bond, the amount thereof shall be recoverable by and in the name of the county treasurer of said county, for the benefit of the poor fund of said county.

Overseer to give bond for faithful performance of his duty—in what sum

SEC. 7. It shall be the duty of every such overseer of the poor, after qualifying as aforesaid, to take and have the immediate charge, superintendence, management and control of all poor persons, supported and maintained by said county, and to any farm or lot of land, work house and other buildings and property, purchased, leased, erected or provided by the board of county commissioners, and used for the reception, accommodation and support or employment of the poor in said county, subject to the general authority, supervision and direction of the board of county commissioners of the county, or a committee thereof, appointed for the purposes of such general supervision. He shall keep a record of the names, ages, residence and condition of all persons received under his charge in pursuance of this act, and the date of each person's reception to and discharge from his charge, and of all deaths and births of poor persons under his charge, and the date thereof ; and he shall keep a full and accurate account of all moneys and other property received and disbursed by him in the administration of his said office, and shall settle his official accounts with the said board of county commissioners at least once in each year, at such time as said board shall appoint, and at the expiration of his

Duty of overseer of poor

Duty of overseer
of poor

term of office, and shall therein account to said board for all moneys and other property so received by him, and the manner they have been expended, and for any balance remaining unexpended; and he shall annually and at the expiration of his term of office, and at other times when required by the board of county commissioners, render to said board a full and accurate report of the amount, kinds and condition of all property under his care, by virtue of his said office, the number, names, ages and condition of all persons remaining under his charge at the date of said report, or who shall have been under his charge during the time covered by said report, by virtue of his said office, the length of time each person shall have received support through him, the amount of the proceeds of any land and work house under his supervision as such overseer, and of the proceeds of the labor or employment of any such poor persons received by him in money or otherwise, and the manner of the employment of such persons, the amount and items of all expenditures made by him in the administration of said office, and such other facts and information as the said board shall require, and the records and accounts kept by him as aforesaid, shall at all times be open to the inspection of the board of county commissioners of the county and of any member of said board.

Board of county
commissioners to
appoint physician

SEC. 8. The board of county commissioners of each county in this State shall, immediately after the passage of this act, and as often as may become necessary thereafter, appoint some suitable and competent practicing physician to be physician to the poor of said county, whose duty it shall be, upon direction of any county commissioner or the overseer of the poor of said county, to attend upon and prescribe and furnish medical relief for all sick poor persons requiring medical aid, in charge of such overseer of the poor by proper authority, and also upon the written direction of any county commissioner of said county, to attend upon and prescribe and furnish medical relief for all sick poor persons in said county requiring medical aid, who shall at the time be receiving or entitled to receive support or relief from said county according to the provisions of this act. Such physician, upon

acceptance of such appointment, shall continue therein during the pleasure of the board of county commissioners, unless he shall sooner resign the same, and may be removed by said board at any time; and he shall receive such compensation for his services as shall from time to time be determined by said board.

SEC. 9. All persons shall be received and taken in charge by the overseer of the poor of any county and be provided by him with suitable support at the place provided in said county for that purpose, upon the written order of the board of county commissioners of said county, or of the county commissioner of the district in said county, in which such persons shall reside at the time such order is made, and not otherwise, but the board of county commissioners of any county may at any time discharge any person so received and receiving support from said county, when satisfied that such person is not legally chargeable upon such county for support, or is not entitled to such support from the county.

Applicants to be provided with written order from board of commissioners

SEC. 10. Whenever application shall be made to a county commissioner of any county, by or on behalf of any person in his district, for public relief or support, and upon reliable information being received by him that any such person is in a suffering condition from poverty, and requires public assistance or support, said commissioner shall inquire into the condition and necessities of such person, and if satisfied that such person is in actual need of, and is a proper subject for public relief or support, and is legally settled in said county, or has no legal settlement in this State, he shall make an order in writing, signed by him officially, directed to the overseer of the poor of said county, that such person be received into the charge of the overseer of the poor, and furnished suitable support, which order shall contain or be accompanied by a statement of facts signed by such commissioner, setting forth the name, age, former occupation, place of residence, and length of residence in said county if a resident thereof, and the condition of such person, and the overseer of the poor of said county shall, upon delivery to him of such order and presentation of such poor person, receive said poor person into his charge and provide him or her

Duty of county commissioner when application is made on behalf of person in need

with support at the expense of said county, until the further order of the board of county commissioners; *Provided, however,* That if the commissioner to whom such application is made shall upon such inquiry be of opinion that only temporary and limited assistance to the extent hereinafter specified will be required by such person, by or for whom such application is made, and that it will be for the interest of the county to grant the same, he may, instead of making the order aforesaid, allow such person relief to the amount that he shall deem expedient, not exceeding the sum of twenty dollars to any one person or family, and shall thereupon make a written certificate of such allowance, signed by him officially, in which he shall specify the sum allowed and the name and residence of the person to whom it is granted, and upon presentation of such certificate at the office of the county auditor of said county, such person shall be entitled to receive an order, duly signed and sealed, upon the treasurer of said county for the amount specified therein, to be paid out of the fund appropriated to the support and relief of the poor; but no county commissioner shall be authorized to grant such temporary relief to any one person or family to exceed the sum of twenty dollars, except by permission of the board of county commissioners of the county. In case such commissioner shall deem it unsafe to entrust such poor person with the expenditure of such sum of money, he may present his said certificate and receive such order, and draw the money thereupon and expend the same or so much thereof as may be necessary for the use of and in such a way as will be most beneficial to such poor person, accounting to the board for the manner of expending the same, and for any balance not so expended.

Duty when application is made on behalf of person in need

Conveyance to place provided for reception of poor --how provided

SEC. 11. Whenever any county commissioner, or board of county commissioners shall make an order for any person or persons to be received into the charge of the overseer of the poor, and supported as hereinbefore provided, who shall be unable by reason of sickness, infirmity or otherwise, to proceed to the place provided for the reception of the poor in said county, without conveyance at public expense; said board or commissioner may in writing direct any constable or

city marshal of said county, convenient to the place where such poor person or persons may be, to take and convey such person or persons to the place provided in said county for the reception of such poor; and such direction and the order aforesaid shall be sufficient authority to said constable or marshal to take and convey such poor person or persons to the place aforesaid, and he shall be entitled to reasonable compensation for the necessary time and expense of so doing, to be allowed by said board and paid out of the county treasury.

SEC. 12. Whenever application for public support or relief shall be made to any county commissioners by any person who shall not have a legal settlement in the county in which such application is made, but who shall have a legal settlement in any other county in this State at the time of making such application, it shall be lawful for the board, or chairman of the board of Disposition of non-residents of county commissioners to whom such application shall be made to warn such person to depart from said county, and if such person shall be unable or refuse so to depart within a reasonable time after being so warned, and he shall be likely to become chargeable upon the public for support, the chairman of the board of county commissioners may issue an order under his hand and the seal of said board, directed to the sheriff or any constable of the same county, and requiring him to take such person and convey him or her to the county in which he or she shall have a legal settlement, and the sheriff or constable to whom the same shall be delivered, shall take such person and convey him or her to the county for that purpose named in said order. The reasonable expense of such removal shall be allowed and paid to such officer out of the treasury of the county from which such person shall be conveyed, and the amount of such expense shall be a legal and valid claim in favor of such county against the county in which such person shall have a legal settlement, and shall be allowed and paid by the board of county commissioners thereof.

SEC. 13. In case application for support or relief shall be made to a commissioner of the board of county commissioners of any county, by or on behalf of any person in said county whose legal settlement at the

Duty of county commissioners in case non-resident unable to remove

time shall be in another county in this State, and such person shall be so sick, infirm or otherwise disabled as to render it unsafe or inhuman to remove him or her as provided in the last preceding section, and shall be in actual and immediate need of public relief or support, it shall be the duty of such county commissioner and of the board of county commissioners to whom such application shall be made, to make an order or grant relief in the same manner and to the same effect, and like proceedings shall be thereupon had as is provided for in sections ten and eleven of this act; and the amount of all proper expenditures and disbursements made by such county in and about the support and relief of any such sick and infirm person shall constitute a valid legal claim in favor of such county against the county in which such person shall have a legal settlement, and shall be allowed by the board of county commissioners thereof, and be paid out of the treasury thereof.

Applicant rejected by commissioner, application to be brought before board

SEC. 14. Applications for support or relief may be made in the first instance to the board of county commissioners of any county, and when an application for relief or support shall have been made to a county commissioner, and rejected by him, such application may be renewed before the board of county commissioners, of the same county, and in either case the said board shall proceed in the same manner, as nearly as may be, as is hereinbefore provided for a county commissioner to proceed in case of application to him.

Duty of board in case of minors

SEC. 15. When any minor shall become chargeable upon any county for support, it shall be the duty of the board of county commissioners of said county to bind such minor as an apprentice to some respectable person, a householder of said county, if such person can be found who will take such minor, by written indenture, which shall be of the same tenor and effect as required by chapter fifty-five of the public statutes of this State, and shall be binding upon such minor in like manner.

SEC. 16. When any person shall die in any county in this State, leaving insufficient money and effects to defray the necessary expenses of his burial, and leav-

ing no relations therein of sufficient ability to procure his burial, it shall be the duty of the county commissioner of the district in which such person may die, to procure a decent burial of the remains of such deceased person at the expense of the county.

Burial of indigent persons—expense how borne

SEC. 17. Any person who shall send, carry, transport, remove or bring, or who shall cause to be sent, carried, transported, brought or removed any insane, idiotic, poor or indigent person, from without this State, or from any county within this State, to any county in this State, without legal authority, and there leave, or cause to be left, such insane, idiotic, poor or indigent person, with intent to make such county to which such removal shall be made, chargeable with the support or relief of such insane, idiotic, poor or indigent person, or who shall entice any such last described person so to remove, with like intent, shall forfeit the sum of fifty dollars, to be recovered by the treasurer of the county into which such removal shall be made, for the support of the poor therein; and shall moreover be guilty of a misdemeanor, and on conviction, shall be fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding three months, or both in the discretion of the court.

Penalty for carrying indigent persons from one county into another—to be deemed a misdemeanor

SEC. 18. The board of county commissioners of each county in this State, shall, at the time of fixing and levying the amount of county tax to be raised and collected in said county in each year, assess, levy and cause to be collected, in the same manner and at the same time that other county taxes are assessed, levied, and collected, therein, an amount of tax, over and above all other county taxes, sufficient to meet and defray the estimated expense of supporting and relieving the poor therein according to the provisions of this act, during the succeeding year, and to supply and make up any deficiency of the fund raised for such purpose during the preceding year, to meet the actual expenditures made by the county during the preceding year for the support and relief of the poor.

Expense of supporting the poor, how paid

SEC. 19. The fifth sub-division of section three of article fourteen of chapter fourteen, of the laws of the year 1860, entitled "An act to provide for township organization," and all other acts and parts of acts con-

Repeal of former act

travelling or inconsistent with the provisions of this act are hereby repealed.

Sec. 20. This act shall take effect from and after its passage.

Approved, March 4, 1864.

CHAPTER XVII.

An Act to amend "An act prescribing the duties of County Auditors," approved March sixth, eighteen hundred and sixty, and also chapter nine of the laws of eighteen hundred and sixty-two, amending the same.

- SECTION 1. Amendment to Section 23. Treasurer or deputy to sell lands for delinquent taxes.
- 2. Amendment to Section 24. Purchaser shall pay to treasurer amount of taxes and penalty—how collected.
- 3. Amendment to Section 26. Auditor to make out and deliver to purchaser a certificate of purchase.
- 4. Amendment to Section 28. Certificate of sale assignable.
- 5. Amendment to Section 51. Publication fees to newspapers for advertising tax list.
- 6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. Section twenty-three of chapter two of the general laws of 1860, entitled "An act prescribing the duties of county auditors," is hereby amended so as to read as follows :

Section 23. The county treasurer or his deputy, shall attend at the court house or at some other convenient place at the county seat of his county, on the first Monday in June, in conformity with the notice provided in section forty-seven of this act, and shall then and there, at and after the hour of ten, in the forenoon, proceed to offer for sale, separately, each tract of land or town lot contained in the advertisement

Treasurer or deputy to sell lands for delinquent taxes